

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

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CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

v.

CASE NO.: 1:20-CV-03746 (LJL)

STEVEN J. BROOKS, et al.,

Defendants.

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**DECLARATION OF GREGORY MERLE**

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Gregory Merle makes the following declaration under penalty of perjury.

1. I am the President of Riverview Energy Corporation (“Riverview”). I base this Declaration on personal knowledge, and submit it in support of the Specially Appearing Defendants’ Motion to Dismiss Plaintiffs’ (the “Libra Group’s”) Complaint.

2. Riverview is a privately-owned Delaware corporation with its principal place of business in Florida.

3. Riverview does not conduct business in the state of New York. It has no office, asset, employee, or operations in New York. Riverview does not advertise to New York residents or New York markets. It does not derive revenue from goods used or consumed in New York, and does not pay New York sales or corporate taxes. Riverview does not supply goods or services to New York, transact business in New York, engage in any persistent course of conduct of any kind in New York, or own, use or possess any real property located in New York. Further, to my knowledge Riverview has *never* done any of these things.

4. Riverview is neither a party to any of the contracts referenced in Plaintiffs' Complaint, nor has Riverview derived any benefit, financial or otherwise, from any of the transactions referenced in Plaintiffs' Complaint.

5. NianticVista Energy, LLC ("Niantic") is a Delaware limited liability company that was formed to hold the assets of Convergen Energy WI, LLC ("CEW"). Riverview does not have and has never had any equity, credit, or other financial interest in or dealings with Niantic, CEW, or any of the other companies referenced in the Complaint or the Libra Group, or any of their members, parents or subsidiaries.

[Signature Page To Follow]

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 16 th day of July, 2020.



Gregory Merle